

Robert P. Goe – State Bar No. 137019
Brandon J. Iskander – State Bar No. 300916
GOE FORSYTHE & HODGES LLP
17701 Cowan Avenue, Suite 210
Irvine, CA 92614
rgoe@goeforlaw.com
biskander@goeforlaw.com

Telephone: (949) 798-2460
Facsimile: (949) 955-9437

Attorneys for The Huntington Beach Gables Homeowners Association

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

In re:

JAMIE LYNN GALLIAN,

Debtor.

Case No. 8:21-bk-11710-SC

Chapter 7 Proceeding

**EVIDENTIARY OBJECTIONS TO
AMENDED NOTICE OF MOTION AND
MOTION TO AVOID LIEN UNDER 11
U.S.C. § 522(f) AND REQUEST FOR
HEARING**

**[OPPOSING DOCKET NOS. 244, 245,
246, 247, 252, 257 & 258]**

Zoom Hearing:

Date: November 15, 2022

Time: 11:00 a.m.

Place.: Courtroom 5C
U.S. Bankruptcy Court
411 W. Fourth Street
Santa Ana, CA 92708

**TO THE HONORABLE SCOTT C. CLARKSON, UNITED STATES
BANKRUPTCY JUDGE, THE DEBTOR IN PRO PER, THE OFFICE OF THE UNITED
STATES TRUSTEE, THE TRUSTEE AND HIS COUNSEL, AND ALL PARTIES IN
INTEREST:**

The Huntington Beach Gables Homeowners Association (“HOA”), in the above-captioned proceedings, hereby files its Evidentiary Objections to the Declaration of Jamie Lynn Gallian filed

1 by Debtor in connection with Debtor's Amended Notice of Motion and Motion to Avoid Lien
2 Under 1 U.S.C. § 522(f) (Real Property) (Docket No. 244), and respectfully represents as follows:

3 **EVIDENTIARY OBJECTIONS TO DECLARATION OF JAMIE LYNN GALLIAN**

4 A declaration submitted in support of a motion must be made on personal knowledge and
5 set forth facts that would be admissible under the Federal Rules of Evidence. The Gallian
6 Declaration, which is dated July 8, 2020 and predates the filing of the Bankruptcy Case by more
7 than one (1) year, fails to comply with the Federal Rules of Evidence as follows:

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STATEMENT(S) FROM GALLIAN DECLARATION	OBJECTIONS	COURT'S RULING
<p>¶ 9</p> <p>“At the time of the filing of the Debtor's Chapter 7 Voluntary Petition, the Debtor resided in the home as her personal residence and held an interest in real property located at 16222 Monterey Lane, Unit 376, Huntington Beach, CA 92649 (the "Residence").”</p>	<p>Improper Argument – FRE 402</p> <p>Improper Opinion Testimony – FRE 701</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
<p>¶ 10</p> <p>“The Debtor listed the Residence on her filed Schedule A/B, noting that the property was subject to a "\$175,000 UCC filing 1/14/2019, Initial Financing Statement File Number 197691916827. Jamie Lynn Gallian is the Lender under a Security Agreement and Promissory Note executed November 16, 2018, with J-Sandcastle Co LLC, Debtor's sole member, non filing entity.”</p>	<p>Improper Argument – FRE 402</p> <p>Lack of Foundation – FRE 602</p> <p>Improper Opinion Testimony – FRE 701</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
<p>¶ 11</p> <p>“Jamie Lynn Gallian is the Registered owner of the 2014 Skyline Custom Villa Manufactured Home, Decal No. LBM 10811 installed on Lot 376 of Unit 4 of Tract 10542 in July 2014, pursuant to Health & Safety Code §§ 18551, under an unexpired Ground Lease, [a short form memorandum recorded October 18, 1979, Instrument No, 32442 and 32443.]”</p>	<p>Improper Opinion Testimony – FRE 701</p> <p>Relevance – FRE 402</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
<p>¶ 13</p> <p>“The appointed Chapter 7 Panel Trustee, Jeffrey Golden filed a "Report of Asset Distribution" in the Bankruptcy Case on May 3, 2022, DOC 90, without Notice to Debtor.”</p>	<p>Improper Opinion Testimony – FRE 701</p> <p>Relevance – FRE 402</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

¶ 15	Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons – FRE 403	Sustained: _____ Overruled: _____
“On May 12, 2022, DOC 92, in the Bankruptcy Case Houser Bros Co dba Rancho Del Rey Mobilehome Estates, an interested party, filed an objection to Debtor's Declared Homestead filed July 9, 2021, with the Office of the Clerk Recorder, County for Orange County, State of California, DOC 95”		
Second ¶ 11	Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons – FRE 403	Sustained: _____ Overruled: _____
“The Court will hear the Motion on July 21, 2022.”		
¶ 20	Improper Argument – FRE 402	Sustained: _____
“J-Sandcastle Co LLC was administratively dissolved with the CA Secretary of State after a unanimous vote of all the Members on November 22, 2021.”	Improper Opinion Testimony – FRE 701	Overruled: _____
¶ 22	Improper Argument – FRE 402	Sustained: _____
“On November 1, 2018, Debtor, a bona fide purchaser for value, purchased and obtained the Release of Unencumbered Interest, Certificate of Title from Registered Legal Owner, Ms. Lisa Ryan, of a 2014 Skyline Custom Villa Manufactured Home, Decal No. LBM 1081, located in TRACT 10542, Unit 4, Lot 376, on APN 178-011-16, adjacent to the multi-family residential community Debtor sold her previous residence, Unit 53, 4476 Alderport Drive Huntington Beach, CA 92649, 937-63-053, on October 31, 2018.”	Improper Opinion Testimony – FRE 701 Relevance – FRE 402	Overruled: _____

1	¶ 23	Improper Argument – FRE 402	Sustained: _____
2	“Debtor sold her previous residence	Improper Opinion Testimony –	Overruled: _____
3	unencumbered home on October 31,	FRE 701	
4	2018, to a bona fide purchaser for	Relevance – FRE 402	
5	value, recorded in the Official		
6	Records of the Clerk Recorder,		
7	County of Orange, Instrument No.		
8	2018000395579, legally described as		
9	Project No. 937-30 TRACT 10542,		
10	Lot 1 & Lot 2. APN 178-771-03, a		
11	1966 subdivision recorded in Parcel		
12	Map Book 108, page 47-48,		
13	approximately 58 acres was		
14	subdivided into Parcel 1 & 2.		
15	Located on Parcel 2, 16222 Monterey		
16	Lane, Lot 376, Huntington Beach,		
17	CA 92649. Debtor moved into the		
18	Residence in approximately		
19	November 2018 after purchasing the		
20	manufactured home with the		
21	proceeds pursuant to §§522(P)(2)(b),		
22	from the unencumbered sale of her		
23	previous home, Urut 53, on October		
24	31, 2018, APN 937-63-053, recorded		
25	in the Official Records of the Clerk		
26	Recorder Document No.		
27	2018000395579.”		
28			
17	¶ 24	Improper Argument – FRE 402	Sustained: _____
18	“Both homes are subject to various	Improper Opinion Testimony –	Overruled: _____
19	governing document whether of	FRE 701	
20	record or not, under an eighty (80)	Relevance – FRE 402	
21	year unexpired Ground Leasehold		
22	and Subcondominium Lease,		
23	recorded on October 22, 1979,		
24	Instrument No. 32242 and Instrument		
25	No 32243 and re-recorded on		
26	December 5, 1979, Document No.		
27	8246 and Instrument No. 8247. The		
28	total number of lots 459.”		
25	¶ 25	Improper Argument – FRE 402	Sustained: _____
26	“The Huntington Beach Gables	Lack of Personal Knowledge -	Overruled: _____
27	Homeowners Association received	FRE 602	
28	notice of Debtor's bankruptcy when	Improper Opinion Testimony –	
	it was filed on July 9, 2021.”	FRE 701	

¶ 27	Improper Argument – FRE 402 Improper Opinion Testimony – FRE 701 Relevance – FRE 402	Sustained: _____ Overruled: _____
“Houser Bros Co dba Rancho Del Rey Mobilehome Estates has no ownership interest in the Ground Lease and additionally lacks standing to bring this Motion. There are no Judgments against debtor in favor of Houser Bros Co.”		
¶ 30	Improper Argument – FRE 402 Improper Opinion Testimony – FRE 701	Sustained: _____ Overruled: _____
“Debtor has established that The Huntington Beach Gable Homeowners Associations' (5) judicial lien impairs an exemption she would be entitled to but for the lien(s).”		
¶ 31	Improper Argument – FRE 402 Improper Opinion Testimony – FRE 701	Sustained: _____ Overruled: _____
“Lien avoidance is part of the overall scheme under federal bankruptcy law to provide debtors with a fresh start by allowing a debtor to emerge from bankruptcy free from certain liens that encumbered their exempt property. <i>See In re Richardson</i> , 224 B.R. 804, 808-09 (Bankr. N.D. Okla. 1998).”		
¶ 32	Improper Argument – FRE 402 Improper Opinion Testimony – FRE 701	Sustained: _____ Overruled: _____
“Debtor held an interest in the Residence when she filed this Chapter 7 case.”		

1	¶ 33	Improper Argument – FRE 402	Sustained: _____
2	The Huntington Beach Gables	Improper Opinion Testimony –	Overruled: _____
3	Homeowners Association registered	FRE 701	
4	its judgment liens against Debtor in		
5	Orange County, California and		
6	filed the judgments in the land		
7	records to operate as a		
8	judicial lien against any real		
9	property residence. The		
10	Huntington Beach Gables		
11	Homeowners Associations' 4-5		
12	liens did not impair Debtor's claim		
13	of exemption.”		
14	Entirety of ¶ 34 which spans 4-5	Improper Argument – FRE 402	Sustained: _____
15	pages long.	Lack of Foundation – FRE 602	Overruled: _____
16		Lack of Personal Knowledge -	
17		FRE 602	
18		Improper Opinion Testimony –	
19		FRE 701	
20		Excluding Relevant Evidence for	
21		Prejudice, Confusion, Waste of	
22		Time, or Other Reasons – FRE	
23		403	
24	Exhibit Pages 5 through 258 of the	Inadmissible Hearsay - Federal	Sustained: _____
25	Debtor’s Amended Notice of Motion	Rules of Evidence (“FRE”) –	Overruled: _____
26	and Motion to Avoid Lien Under 1	FRE 802	
27	U.S.C. § 522(f) (Real Property)	Lack of Foundation – FRE 602	
28	(Docket No. 244)	Excluding Relevant Evidence for	
		Prejudice, Confusion, Waste of	
		Time, or Other Reasons – FRE	
		403	

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Respectfully submitted,

DATED: November 1, 2022

GOE FORSYTHE & HODGES LLP

By: /s/ Brandon J. Iskander

Robert P. Goe

Brandon J. Iskander

Attorneys for The Huntington Beach

Gables Homeowners' Association

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 17701 Cowan, Suite 210, Irvine, CA 92614

A true and correct copy of the foregoing document entitled (*specify*): **EVIDENTIARY OBJECTIONS TO AMENDED NOTICE OF MOTION AND MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) AND REQUEST FOR HEARING** will be served or was served (**a**) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (**b**) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On November 1, 2022, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) November 1, 2022, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Jamie Lynn Gallian
16222 Monterey Ln Unit 376
Huntington Beach, CA 92649

Janine Jasso
PO Box 370161
El Paso, CA 79937

Michael D Poole
Feldsott & Lee
23161 Mill Creek Dr Ste 300
Laguna Hills, CA 92653

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) November 1, 2022, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

- The Honorable Scott Clarkson, USBC, 411 West Fourth Street, Santa Ana, CA 92701

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

November 1, 2022
Date

Susan C. Stein
Printed Name

/s/Susan C. Stein
Signature

Mailing Information for Case 8:21-bk-11710-ES

Electronic Mail Notice List

The following is the list of **parties** who are currently on the list to receive email notice/service for this case.

- Bradford Barnhardt bbarnhardt@marshackhays.com, bbarnhardt@ecf.courtdrive.com, kfrederick@ecf.courtdrive.com
- Aaron E. DE Leest adeleest@DanningGill.com, danninggill@gmail.com; adeleest@ecf.inforuptcy.com
- Robert P Goe kmurphy@goeforlaw.com, rgoe@goeforlaw.com; goeforecf@gmail.com
- Jeffrey I Golden (TR) lwerner@go2.law, jig@trustesolutions.net; kadele@go2.law
- D Edward Hays ehays@marshackhays.com, ehays@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@marshackhays.com; cmendoza@ecf.courtdrive.com
- Brandon J Iskander biskander@goeforlaw.com, kmurphy@goeforlaw.com
- Eric P Israel eisrael@DanningGill.com, danninggill@gmail.com; eisrael@ecf.inforuptcy.com
- Laila Masud lmasud@marshackhays.com, lmasud@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com
- Mark A Mellor mail@mellorlawfirm.com, mellormr79158@notify.bestcase.com
- Valerie Smith claims@recoverycorp.com
- United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov